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FM AMEMBASSY MADRID
TO RUEHC/SECSTATE WASHDC PRIORITY 4725
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHLGB/AMEMBASSY KIGALI 0036
RUEHJB/AMEMBASSY BUJUMBURA 0009
RUEHYD/AMEMBASSY YAOUNDE 0046
RUEHNR/AMEMBASSY NAIROBI 0097
RUEHDS/AMEMBASSY ADDIS ABABA 0246
RUEHFR/AMEMBASSY PARIS 1492
RUEHTC/AMEMBASSY THE HAGUE 7315
RUEHDR/AMEMBASSY DAR ES SALAAM 0125
RUEHKI/AMEMBASSY KINSHASA 0035
RUEHLA/AMCONSUL BARCELONA 3414
RUEHRN/USMISSION UN ROME 0010
RUEHGV/USMISSION GENEVA 0883
RUCNDT/USMISSION USUN NEW YORK 0435
RUEHUNV/USMISSION UNVIE VIENNA 0083

C O N F I D E N T I A L MADRID 000504

SIPDIS

S/WCI FOR MATTHEW LAVINE
AF/C FOR FOX, CASEY
L/LEI FOR BUCHHOLZ, PROPP, JOHNSON
L-EUR FOR PETER OLSON, KAREN JOHNSON
L-AN FOR ONA HAHS
KIGALI FOR KAMINSKI
THE HAGUE FOR SCHILDGE
PARIS FOR KANEDA

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TAGS: [PREL](#) [PHUM](#) [MASS](#) [KLIG](#) [KAWC](#) [OFDP](#) [RW](#) [SP](#)
SUBJECT: SPAIN/RWANDA - PROSECUTOR DOWNPLAYS INDICTMENTS

REF: A. KIGALI 292
[1](#)B. MADRID 409 AND PREVIOUS

Classified By: Charge d'Affaires a.i. Hugo Llorens for reasons 1.4 (b) and (d)

[1](#)1. (C) Post's Consular Legal Advisor (LES) met informally with Spanish National Prosecutor Blanca Rodriguez on May 5 to discuss the ongoing Spanish prosecution of 40 Rwandan military officials (reftels). According to Rodriguez (please protect), the judiciary undertook the investigation and subsequent indictments to satisfy the family members of the victims. Rodriguez said the prosecutor's office does not wish to pursue the case further, and she specifically said that they do not intend to seek extradition of the indicted individuals. Rodriguez confirmed that the National Court requested the diffusion of Interpol Red Notices, but, according to LES, the prosecutor said, "We do not plan to go further." Rodriguez provided LES with a copy of the investigating magistrate's report to the Court, filed on January 17, 2008. Rodriguez confirmed that if Red Notices were eventually diffused, they would trigger automatic detention and notification within Schengen, but actual extradition would require issuance of a European Arrest Order.

[1](#)2. (C) COMMENT: The long-sought meeting with the prosecutor yielded the encouraging news that the indictments may simply wither on the vine. However, we wish to reiterate that the Spanish judicial system is highly unpredictable; today's lack of interest could be tomorrow's headline, depending on the actions of the NGO's and victims behind the suit. LES came away with the impression that even the prosecution lacked enthusiasm for the case, but that it was undertaken based on the desire to provide judicial process for the victims, who had made the argument that if the Spanish judiciary could seek justice for Chilean victims (Pinochet) et al, then why not Spain's own victims of genocide. LES also suggested to Rodriguez that the indictment only told the genocide story

from the Hutu perspective, and Rodriguez confessed a lack of deep knowledge of the events. LES had the impression that Rodriguez, who does not speak English, might welcome the opportunity to consult discreetly with an international expert. END COMMENT.
Llorens